

**REMARKS**

Claims 1-4, 6, 8-20, 23 and 25-26 are pending in this application.

Applicant respectfully requests reconsideration of the application.

**A. The 35 U.S.C. §103 Rejection**

The Office Action rejects claims 9-19, and 23 under 35 U.S.C. 103(a) as being unpatentable over Squier et al. (US 7188181) in view of Sampson et al. (US 6339423). This rejection is traversed.

Claim 9 is directed to a method for validating session credentials of a client. In particular, claim 9 recites:

determining, at the first system that a client does not have a valid session credential granted by the first system;

**after the determining**, retrieving, at the first system, information from a session token held by the client, the information being retrieved from the client, the information corresponding to a session credential for the second system that grants session credentials based on successful authentication at the second system, ...

Applicant of course appreciates that patentability is based on the claimed invention. However, such claimed features are reflective of Applicant's disclosure in paragraphs 00140-0045 of the published patent application. Therein, the present application discloses:

[0042] At step 204, system 1 (102) determines whether the client has a valid single sign-on (SSO) session.

[0043] If the client has a valid SSO session, then at step 206, the client is granted access to the protected resource(s) of system 1 (102), and the method ends.

[0044] If, at step 204, it is determined that the client does not have a valid SSO session, then at step 208, system 1 (102) retrieves an SSO session token

from the client. The token corresponds to a possible SSO session that the client has with another system (104). When the method of the invention is used with a web based application and browser, the token is the same as or similar to a cookie. When the method of the invention is used with systems other than the Internet and web based applications, the token is a piece of data or information that provides authentication or credentials of the client with system 2.

As set forth in M.P.E.P 706.02(j), 35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. M.P.E.P 706.02(j) indicates that after indicating that the rejection is under 35 U.S.C. 103, the Examiner should set forth in the Office Action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

M.P.E.P 706.02(j) references the well known requirements of Graham v. John Deere. Further, M.P.E.P 706.02(j) notes that it is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the Applicant can be given fair opportunity to reply.

Further, Applicant notes that in *KSR*, the Supreme Court did not eliminate the teaching, suggestion, or motivation (TSM) test from the determination of obviousness, but rather merely opposed “a formalistic conception of the words teaching, suggestion, and motivation, or ...

overemphasis on the importance of published articles and the explicit content of issued patents."

*KSR International Col. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). As the Federal Circuit has subsequently explained:

*[A] flexible TSM test remains the primary guarantor against a non-statutory hindsight analysis....* The TSM test, flexibly applied, merely assures that the obviousness test proceeds on the basis of *evidence* – teachings, suggestions (a tellingly broad term), or motivations (an equally broad term) – that arise before the time of invention as the statute requires.

*Ortho-McNeil Pharmaceutical v. Mylan*, 2007-1223, \*11 (Fed. Cir. Mar. 31, 2008) (emphasis added). Thus, to establish a *prima facie* case of obviousness the Examiner must show *evidence* of teaching, suggestion, or motivation to make the proposed combination of references that arose before the time of invention. Such a showing is required to guard against allegations of obviousness that are actually derived from impermissible hindsight.

On pages 2-3, the Office Action asserts various alleged teachings of Squire. Thereafter, on page 4, the Office Action acknowledges deficiencies of Squire, and attempts to cure those deficiencies with Sampson. Specifically, the Office Action asserts:

Squier et al. discloses that the request and session information are sent at the same time (see column 5 lines 54-63), therefore fails to disclose the session information is retrieved from the client after determining that the client does not have valid session credentials.

However, Sampson et al. teaches sending a request to a server and the server determining that the client doesn't have valid session credentials and requesting a session token from the client (see column 3 lines 34-43 where the data transmitted to the browser to go to the first server is a request to get a session token, i.e. cookies).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to request the client of Squier et al. to send a session token when it is determined that the client doesn't have valid session credentials.

**Motivation to do so would have been to allow a user to obtain credentials to access a server when the user did not originally have the credentials** (see Sampson et al. column 3 lines 34-43).

Thus, the Office Action sets forth that the motivation to modify Squire would have been to allow a user to obtain credentials to access a server when the user did not originally have the credentials. Applicant submits that such motivation fails to support the proposed combination and fails to satisfy the requirements as set forth in KSR.

That is, the Office Action's reason to modify Squire with the teachings of Sampson is to provide Squire with the feature of allowing a user to obtain credentials to access a server when the user did not originally have the credentials. However, Squire clearly already provides such feature. Indeed, on page 3, lines 14-21, the Office Action clearly acknowledges that Squire provides such feature. In other words, the Office Action proposes to make a fundamental change to the operation of Squire (using teachings of Sampson) based on the asserted reason of providing Squire with a feature that Squire already has. Such basis for the rejection is clearly not supportable, and would not reasonably have motivated the one of ordinary skill to make such combination.

As alluded to above, Applicant submits that the proposed modification to Squire is indeed a fundamental change which would not have been obvious. That is, for example, Squier teaches (in portions of Squier referenced in the Office Action) at column 5, line 65 to column 6, line 15:

the session identifier created by the origin server is passed or handed to the destination server by the user when the user makes the request on the destination Web site. By examining the session identifier the destination server

can determine that the **user got the identifier from the origin server** from the name and value fields of the cookie handed to the destination server. Those fields will contain the origin Web site's identifier and the session identifier, respectively. As defined in RFC 2109, only servers residing in the domain the specified in the cookie can receive the cookie. As mentioned above, the session identifier uniquely identifies the user and a session. In the described embodiment it contains an identifier containing an indicator of the origin server.

As asserted in Applicant's prior Response, such teachings, and the other disclosure of Squier, fail to teach the particulars of claim 9 reciting "determining, at the first system that a client does not have a valid session credential granted by the first system" and "**after the determining**, retrieving, at the first system, information from a session token held by the client, the information being retrieved from the client".

Applicant submits that to modify Squire as proposed in the Office Action (i.e., as proposed on page 4, lines 9-11 of the Action) would change the operation of Squire in a fundamental manner. Indeed, Applicant submits that it is fully unclear how Squire would even be modified in such a manner. Applicant submits that the one of ordinary skill would not have been motivated to make such fundamental change to Squire, and in particular would not have been so motivated based on the lacking reasoning as set forth in the Office Action (i.e., on page 4, lines 12-14).

Accordingly, Applicant submits that claim 9 is allowable for at least these reasons, and withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested. Applicant further submits that independent claims 10-13, 17 and 23 are allowable for similar reasons, and the claims dependent on these independent claims are allowable at least for their dependence on allowable claims.

**B. The 35 U.S.C. §103 Rejection Based on Squier and Howard**

Claims 1-4, 6, 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squier and Sampson in view of Howard et al. (US 6,584,505).

The Office Action asserts various teachings of Squier, as modified by Sampson, as set forth above. However, the Office Action acknowledges, as to the rejected claims, that Squier and Sampson fails to teach features relating to the directing of the client (see Office Action on page 6, lines 21-23). The Office Action then proposes to modify Squier with the teachings of Howard so as to cure such deficiencies.

Applicant submits that even if it were obvious to so modify Squier, which Applicant does not admit, such modifications would fail to cure the deficiencies as discussed above. That is, Applicant submits that claims 1 and 20 are allowable for reasons similar to those set forth above with regard to claim 9. Accordingly, Applicant submits that the combination of Squier and Howard, as set forth in the Office Action, fail to teach or suggest each and every feature of the claimed invention.

Withdrawal of the 35 U.S.C. 103 rejection is requested.

**C. The 35 U.S.C. §103 Rejection Based on Squier and Marks**

In the Office Action, claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squier and Sampson and further in view of Marks et al. (US 20010054059).

The Office Action asserts various teachings of Squier, as modified by Sampson. However, the Office Action acknowledges, as to the rejected claims, that Squier and Sampson fails to teach features relating to the pay-per-use and the subscription content (see Office Action

on page 8, lines 18-22). The Office Action proposes to modify Squier and Sampson with the teachings of Marks so as to cure such deficiencies.

Applicant submits that even if it were obvious to so modify Squier, which Applicant does not admit, such modifications would fail to cure the deficiencies as discussed above as to the independent claims. Accordingly, Applicant submits that the combination of Squier and Marks, as set forth in the Office Action, fail to teach or suggest each and every feature of the claimed invention.

Withdrawal of the 35 U.S.C. 103 rejection is requested.

**D. CONCLUSION**

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,  
HUNTON & WILLIAMS



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